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Attorneys for Defendant Johnson Mai

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES,
Plaintiff

v.

JOHNSON MAI,
a/k/a Zhi Xiong Mai
a/k/a Uncle Hong,
a/k/a Chi Hong Mak,
a/k/a Hong Suk;

LISA LEE,
a/k/a Xiao Ling Li;

KAI LUN ZHENG,
a/k/a Wai Keung Cheung,
a/k/a Su Ming,
a/k/a Alan Zheng;

ZHI EN HUANG,
a/k/a Gao Lo;

DAVID YUEN,
a/k/a Lo Wu,
a/k/a Wu So Gor; and

ERIC YU HENG CAI

Defendants.

No: 3-06-70479 MAG

[AMENDED PROPOSED] ORDER AND
STIPULATION FOR CONTINUANCE
FROM SEPTEMBER 14, 2007 TO
NOVEMBER 2, 2007 AND EXCLUDING
TIME FROM THE SPEEDY TRIAL ACT
CALCULATION (18 U.S.C. § 3161(h)(8)(A))
AND WAIVING TIME LIMITS UNDER
RULE 5.1

With the agreement of the parties, and with the consent of the defendants, the Court enters this order scheduling a status conference on November 2, 2007 at 9:30 a.m. before duty magistrate judge

1 ELIZABETH D. LAPORT, and documenting the defendants' waiver of the preliminary hearing date
2 under Federal Rule of Criminal Procedure 5.1 and the exclusion of time under the Speedy Trial Act,
3 18 U.S.C. § 3161(h)(8)(B)(ii) and (iv), from September 14, 2007 2007 to and through November 2,
4 2007. The parties agree, and the Court finds and holds, as follows:

- 5 1. The case is very complex and involves international transactions and shipments, foreign
6 banks and complex monetary transactions, extensive wiretap evidence and conversations
7 in different chinese language dialects. There are multiple defendants and discovery is
8 voluminous. All defense counsel involved are in need of additional time to prepare the
9 case. Furthermore, the government and defense counsel are actively involved in the
10 process of global settlement discussions to resolve all pending charges involving all
11 defendants before the court and additional time is necessary to seek approval of
12 proposed plea agreements with the government.
- 13 2. All defendants agree to an exclusion of time under the Speedy Trial Act, 18 U.S.C. §
14 3161(h)(8)(B)(ii) on the basis of complexity and (iv) continuity of counsel for effective
15 preparation taking into account the exercise of due diligence.
- 16 3. The defendants waive the time limits of Federal Rule of Criminal Procedure 5.1 for
17 preliminary hearing.
- 18 4. Accordingly, and with the consent of all parties, the Court (1) alternatively sets a
19 preliminary hearing before the duty magistrate judge on November 2, 2007 at 9:30 a.m.
20 and (2) orders that the period from September 14,2007 to November 2, 2007 be
21 excluded from the time period for preliminary hearings under Federal Rule of Criminal
22 Procedure 5.1 and from Speedy Trial Act calculations under 18 U.S.C. § 3161(b).

23 IT IS SO STIPULATED:

24
25 DATED: September 13, 2007

/s/ Garrick Lew
GARRICK LEW
Attorney for Defendant Johnson Mai

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27 DATED: September 13, 2007

/s/ Alice Wong
ALICE WONG
Attorney for Defendant Lisa Lee

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1 DATED: September 13, 2007 /s/ Gil Eisenberg
2 GIL EISENBERG
Attorney for Defendant Kai Lun Zheng

3 DATED: September 13, 2007 /s/ Brian Getz
4 BRIAN GETZ
Attorney for Zhi En Huang

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6 DATED: September 13, 2007 /s/ Stuart Hanlon
7 STUART HANLON
Attorney for David Yuen

8 DATED: September 13, 2007 /s/ Randy Montesano
9 RANDY MONTESANO
Attorney for Eric Cai

10 DATED: September 13, 2007 /s/ Thomas Mazzucco
11 THOMAS MAZZUCCO
Assistant United States Attorney

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13 IT IS SO ORDERED.

14 DATED:
15 HONORABLE ELIZABETH D. LAPORT
16 United States Magistrate Judge

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20 (B) The factors, among others, which a judge shall consider in
21 determining whether to grant a continuance under subparagraph (A)
of this paragraph in any case are as follows:

22 (i) Whether the failure to grant such a continuance in the
23 proceeding would be likely to make a continuation of such
proceeding impossible, or result in a miscarriage of justice.

24 (ii) Whether the case is so unusual or so complex, due to the
25 number of defendants, the nature of the prosecution, or the
26 existence of novel questions of fact or law, that it is
unreasonable to expect adequate preparation for pretrial
proceedings or for the trial itself within the time limits

1 established by this section.

2 (iii) Whether, in a case in which arrest precedes indictment,
3 delay in the filing of the indictment is caused because the
4 arrest occurs at a time such that it is unreasonable to expect
5 return and filing of the indictment within the period specified
6 in section 3161(b), or because the facts upon which the grand
7 jury must base its determination are unusual or complex.

8 (iv) Whether the failure to grant such a continuance in a
9 case which, taken as a whole, is not so unusual or so complex
10 as to fall within clause (ii), would deny the defendant
11 reasonable time to obtain counsel, would unreasonably deny the
12 defendant or the Government continuity of counsel, or would
13 deny counsel for the defendant or the attorney for the
14 Government the reasonable time necessary for effective
15 preparation, taking into account the exercise of due diligence.
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